



WDN/TMH:kam 02/12/03 4239-63842-09152

1642
PATENT
Attorney Reference Number 4239-63842

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Cuttitta et al.

Application No. 09/931,700

Filed: August 16, 2001

For: FUNCTIONAL ROLE OF
ADRENOMEDULLIN (AM) AND THE
GENE RELATED PRODUCT (PAMP) IN
HUMAN PATHOLOGY AND
PHYSIOLOGY

Examiner: Ungar

Date: February 12, 2003

Art Unit: 1476

CERTIFICATE OF MAILING

I hereby certify that this paper and the documents referred to as being attached or enclosed herewith are being deposited with the United States Postal Service on February 12, 2003 as First Class Mail in an envelope addressed to: BOX NON-FEE AMENDMENT, COMMISSIONER FOR PATENTS, WASHINGTON, D.C. 20231.

Tanya M. Harding, Ph.D.
Attorney for Applicant

TRANSMITTAL LETTER

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WASHINGTON, D.C. 20231

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Enclosed for filing in the application referenced above are the following:

- Response
- Exhibits A and B
- No additional fee is required.
- Please charge any additional fees that may be required in connection with filing this amendment to Deposit Account No. 02-4550. A copy of this sheet is enclosed.
- Please return the enclosed postcard to confirm that the items listed above have been received.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

By

Tanya M. Harding, Ph.D.
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WDN/TMH/GLB:kam 02/12/03 169053

Attorney Reference Number 4239-63842
Application Number 09/931,700

Response #8

3/07/03

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RESPONSE

This is filed in response to the Office action dated January 14, 2003. A one-month period for response has been set, making an answer due on or before February 14, 2003. It is believed that no fee is required to file this response; if the Commission determines that a fee is necessary, deposit account authority is provided on the accompanying transmittal letter.

In the current Office action, claims 1-16 are subject to a Restriction Requirement based on the allegation that multiple inventions are encompassed by the claims. Applicants note, however, that the incorrect claims have been examined in this application. The Preliminary Amendment filed on August 16, 2001 canceled claims 1-43 of the parent application and entered new claims 44-70.

Applicants' undersigned representative was unable to reach Examiner Ungar to discuss this matter. However, she did speak with the Examiner's supervisor, Examiner Kaputa. Applicants thank Examiner Kaputa for granting their undersigned representative a telephone conference on January 30, 2003 on this matter. After reviewing the application file, Examiner Kaputa confirmed that claims 1-16 from the parent application were examined erroneously and

suggested that a copy of the preliminary amendment be submitted as response to the Restriction Requirement.

As requested, enclosed with this response is a copy of the Preliminary Amendment filed on August 16, 2001 (Exhibit A), which cancels claims 1-43 of the parent application and enters claims 44-77 into this application. Also enclosed is a copy of the filing receipt (Exhibit B), dated November 14, 2002, showing that 27 claims are pending in the application, and that the filing fee received was \$1476.00 (which is the correct filing fee for an application with twenty-seven claims, and eleven independent claims).

Based on the documents provided herewith, Applicants request that the Restriction Requirement of January 14, 2003 be withdrawn, and that examination be carried out on pending claims 44-70.

CONCLUSIONS

It is respectfully submitted that the present claims are in condition for allowance. If it may further issuance of these claims, the Examiner is invited to call the undersigned patent attorney at the telephone number listed below.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

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